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11 Attorneys for Petitioner

12 Wells Fargo Advisors, LLC

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 WELLS FARGO ADVISORS, LLC, a
16 limited liability company,

17 Petitioner,

18 v.

19 KENNETH C. SHAFFER, an individual,

20 Respondent.

Case No. C11-01500 JCS

**DECLARATION OF RONALD P.
KANE IN SUPPORT OF MOTION
OF WELLS FARGO ADVISORS,
LLC TO VACATE ARBITRATION
AWARD**

DATE: June 3, 2011

TIME: 9:30 A.M.

COURTROOM: A, 15th Floor

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24 I, RONALD P. KANE, hereby declare and state as follows:

25 1. I am a principal and an attorney with the law firm of Kane &
26 Fischer, Ltd., 208 La Salle Street, Suite 1800, Chicago, Illinois. I have personal
27 knowledge of the facts set forth herein, and if called and sworn as a witness, I could
28 and would testify under oath to the statements made herein.

1 2. I was counsel for Wells Fargo Investments, LLC (“WFI”) in an
2 arbitration proceeding entitled *In the Matter of the Arbitration Between Wells Fargo*
3 *Investments, LLC and Kenneth C. Shaffer*, FINRA Case No. 10-00773 (“the
4 Arbitration”). The Arbitration was administered by the Financial Industry Regulatory
5 Authority, commonly known as “FINRA.”

6 3. The Arbitration was held before three arbitrators in San Francisco,
7 California on January 4 and 5, 2011. I represented WFI throughout both days of the
8 hearings.

9 4. The document attached hereto as Exhibit A is a true and correct
10 copy of WFI’s Statement of Claim In Arbitration filed with FINRA.

11 5. The document attached hereto as Exhibit B is a true and correct
12 copy of Kenneth Shaffer’s answer to WFI’s Statement of Claim.

13 6. The document attached hereto as Exhibit C is a true and correct
14 copy of Kenneth Shaffer’s counterclaim against WFI.

15 7. The document attached hereto as Exhibit D is a true and correct
16 copy of WFI’s response to Shaffer’s counterclaim which was filed with FINRA.

17 8. The document attached hereto as Exhibit E is a true and correct
18 copy of WFI’s Exhibit 1 at the Arbitration. That Exhibit 1 was received into evidence
19 by the Arbitrators.

20 9. The document attached hereto as Exhibit F is a true and correct
21 copy of WFI’s Exhibit 2 at the Arbitration. That Exhibit 2 was received into evidence
22 by the Arbitrators.

23 10. The document attached hereto as Exhibit G is a true and correct
24 copy of WFI’s Exhibit 3 at the Arbitration. That Exhibit 3 was received into evidence
25 by the Arbitrators.

26 11. The document attached hereto as Exhibit H is a true and correct
27 copy of WFI’s Exhibit 4 at the Arbitration. That Exhibit 4 was received into evidence
28 by the Arbitrators.

1 12. The document attached hereto as Exhibit I is a true and correct copy
2 of WFI's Exhibit 5 at the Arbitration. That Exhibit 5 was received into evidence by the
3 Arbitrators.

4 13. The document attached hereto as Exhibit J is a true and correct
5 copy of WFI's Exhibit 6 at the Arbitration. That Exhibit 6 was received into evidence
6 by the Arbitrators.

7 14. The document attached hereto as Exhibit K is a true and correct
8 copy of WFI's Exhibit 7 at the Arbitration. That Exhibit 7 was received into evidence
9 by the Arbitrators.

10 15. The document attached hereto as Exhibit L is a true and correct
11 copy of WFI's Exhibit 8 at the Arbitration. That Exhibit 8 was received into evidence
12 by the Arbitrators.

13 16. The document attached hereto as Exhibit M is a true and correct
14 copy of WFI's Exhibit 9 at the Arbitration. That Exhibit 9 was received into evidence
15 by the Arbitrators.

16 17. The document attached hereto as Exhibit N is a true and correct
17 copy of WFI's Exhibit 10 at the Arbitration. That Exhibit 10 was received into
18 evidence by the Arbitrators.

19 18. The document attached hereto as Exhibit O is a true and correct
20 copy of WFI's Exhibit 11 at the Arbitration. That Exhibit 11 was received into
21 evidence by the Arbitrators.

22 19. The document attached hereto as Exhibit P is a true and correct
23 copy of WFI's Exhibit 12 at the Arbitration. That Exhibit 12 was received into
24 evidence by the Arbitrators.

25 20. The document attached hereto as Exhibit Q is a true and correct
26 copy of WFI's Exhibit 13 at the Arbitration. That Exhibit 13 was received into
27 evidence by the Arbitrators.
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1 21. The document attached hereto as Exhibit R is a true and correct
2 copy of WFI's Exhibit 14 at the Arbitration. That Exhibit 14 was received into
3 evidence by the Arbitrators.

4 22. The document attached hereto as Exhibit S is a true and correct
5 copy of WFI's Exhibit 15 at the Arbitration. That Exhibit 15 was received into
6 evidence by the Arbitrators.

7 23. The document attached hereto as Exhibit T is a true and correct
8 copy of WFI's Exhibit 16 at the Arbitration. That Exhibit 16 was received into
9 evidence by the Arbitrators.

10 24. The document attached hereto as Exhibit U is a true and correct
11 copy of a document (and the exhibits thereto) that Kenneth Shaffer submitted to the
12 arbitrators during the Arbitration.

13 25. During the Arbitration, I provided each arbitrator with a copy of
14 *Federal Savings and Loan Insurance Corp. v. Musacchio*, 695 F. Supp. 1044 (N.D.
15 Cal. 1988). A copy of the case I provided to the arbitrators is attached hereto as
16 Exhibit V.

17 26. During the Arbitration, I provided each arbitrator with a copy of
18 *Koehl v. Verio, Inc.*, 142 Cal. App. 4th 1313 (2006). A copy of the case I provided to
19 the arbitrators is attached hereto as Exhibit W.

20 27. The transcript attached hereto as Exhibit X is a true and correct
21 copy of the transcript of the Arbitration hearings on January 4 and 5, 2011.

22 28. The document attached hereto as Exhibit Y is a true and correct
23 copy of the arbitrators' Award that was issued after the hearings in the Arbitration.
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Executed on April 4, 2011 at Chicago, Illinois.

Ronald P. Kane
RONALD P. KANE